

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIOBHAN MORROW and ASHLEY
GENNOCK, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

ANN INC., a Delaware corporation,

Defendants.

Case No. 1:16-cv-3340-JPO (S.D.N.Y.)

**DECLARATION OF LANA LUCCHESI
RE: NOTICE PROCEDURES**

I, **LANA LUCCHESI**, declare:

1. I am a Senior Project Manager at Kurtzman Carson Consultants LLC ("KCC"). I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. KCC was retained by the parties to serve as the Claims Administrator to, among other tasks, email the Notice of Proposed Class Action Settlement (the "Email Notice"); mail the Notice of Proposed Class Action Settlement Postcard Notice (the "Postcard Notice"); receive and process Claim Forms, respond to Class Member inquiries; to establish and maintain a settlement website and perform other duties as specified in the Settlement Agreement preliminarily approved by this Court on December 14, 2017.

3. **Emailed Notice and Mailed Notice.** On or around August 10, 2017, the Defendant

1 provided KCC with a list of 2,762,767 persons identified as the Class Member List. On December 20,
2 2017, the Defendant provided KCC with a list of 4,416,312 additional persons identified as the Class
3 Member List, resulting in 7,179,079 persons identified as the Class Member List.

4 4. KCC identified 9,553 duplicative records. KCC removed these duplicative records from
5 the Class Member List, resulting in 7,169,526 remaining on the Class Member List.

6 5. On December 15, 2017, KCC facilitated email append searches to find email address
7 information for the 2,762,767 names and address that did not contain an email address. Of the 2,762,767
8 names and addresses searched, KCC received 2,037,414 email addresses. KCC updated the Class
9 Member List with these 2,037,414 email addresses.

10 6. KCC entered the Class Member List information into its proprietary database and
11 prepared a data file for the initial mailing. Prior to mailing, KCC caused the addresses in the Class
12 Member List to be updated using the National Change of Address database ("NCOA") maintained by
13 the U.S. Postal Service. A total of 130,957 addresses were found and updated

14 7. On January 19, 2018, KCC emailed the Email Notice to each of the 5,490,436 valid email
15 addresses on the Class Member List. There were 489,703 email addresses that were determined to be
16 invalid and were withheld. Of these 489,703 invalid email addresses, 84,508 had a postal mailing
17 address available. A sample of the Email Notice is attached hereto as Exhibit A.

18 8. On January 19, 2018, KCC mailed the Postcard Notice to each of the 1,095,492 persons
19 where an email address was not available or could not be located, but a postal mailing address was
20 available. A sample of the Postcard Notice is attached hereto as Exhibit B.

21 9. As of February 2, 2018, KCC has received 9,048 Postcard Notices returned by the U.S.
22 Postal Service with forwarding addresses. KCC caused the Class Member list to be updated with the
23 new addresses and Postcard Notices to be re-mailed to the updated addresses. As of February 2, 2018,
24 KCC has received 40,975 Postcard Notices returned by the U.S. Postal Service without forwarding
25 address information.

26 10. **Interactive Voice Response.** On January 18, 2018, KCC established an Interactive Voice
27 Response (the "IVR") system to provide information about the settlement and to record requests for
28 Notice Packets. As of February 2, 2018, 3,302 calls have been received by the IVR.

11. **Website.** On January 18, 2018, KCC also established a website (www.annpricingsettlement.com) dedicated to this settlement to provide additional information to the Class Members and to answer frequently asked questions. Visitors of the website can download a Notice, Claim Form, First Amended Class Action Complaint, Settlement Agreement, Motion for Preliminary Approval, Memorandum of Law in Support of Motion for Preliminary Approval, Preliminary Approval Order, and Order Dated December 21, 2017 (ECF No. 64). Visitors can also submit claims online. The web address was set forth in the Email Notice, Postcard Notice and Long-Form Class Notice. As of February 2, 2018, the website has received 544,275 hits.

12. **Requests for Exclusion.** The deadline for Class Members to request to be excluded from the class is a postmarked deadline of March 6, 2018. As of the date of this declaration, KCC has received one request for exclusion. A list of the class members requesting for exclusion is attached hereto as Exhibit C.

13. **Objections to the Settlement.** The deadline for Class Members to object to the Settlement is a postmarked deadline of March 6, 2018. As of the date of this declaration, KCC has not received any objections to the settlement.

14. **Claim Forms.** The deadline for Class Members to file a claim is a postmarked deadline of May 19, 2018. As of the date of this declaration, KCC has received 70,183 claim forms.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on this 5th day of February at San Rafael, California.

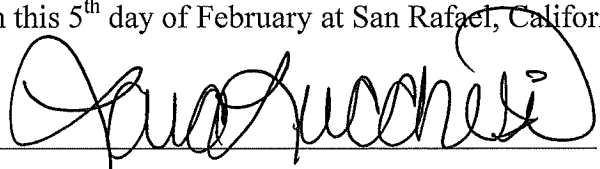

LANA LUCCHESI

Exhibit A

Claim ID: «ClaimID»

If you purchased items at an Ann Taylor Factory or LOFT Outlet store, you could get a payment from a class action settlement.

A federal court authorized this notice.

This is not junk mail, an advertisement, or a solicitation from a lawyer.

A settlement has been reached with ANN Inc. and those of its affiliates and subsidiaries that own, operate, control, and/or lease Ann Taylor Factory or LOFT Outlet stores, including, but not limited to, AnnTaylor Retail, Inc. and AnnTaylor, Inc. (“ANN”), in a class action lawsuit about the labeling and advertising of merchandise sold at Ann Taylor Factory and LOFT Outlet stores. Plaintiffs allege that ANN misled customers about the quality and price of its outlet store merchandise by leading them to believe outlet merchandise was once sold in its retail stores, when it was actually manufactured for exclusive sale in outlet stores, and by advertising discounts based on fictitious original or regular prices. ANN denies all of the allegations made in the lawsuit and denies that anyone was harmed as a result of anything ANN did. The Court has not decided who is right. Instead, the parties agreed to a settlement.

Who is included? You received this notice because ANN’s records indicate you may be included in the settlement. You are a “Settlement Class Member” if you, from May 5, 2012 to May 4, 2016, purchased one or more items from an Ann Taylor Factory or LOFT Outlet store offered at a discount from a regular or original price.

What can you get? Ann has agreed to create a settlement fund valued at \$6,100,000 to cover notice and claims administration costs and payments to Settlement Class Members who submit a valid claim form. Settlement Class Members may choose to receive a cash payment or a voucher redeemable for merchandise at an Ann Taylor Factory or LOFT Outlet store. ANN has also agreed to modify the labeling of items sold at a discount from a regular or original price at Ann Taylor Factory or LOFT Outlet stores.

How much will my cash payment or voucher be? It is estimated that cash payments will be \$5.00 each and vouchers will be worth \$12.00 each. The actual cash payment may be adjusted up or down, depending on the number of eligible claim forms received and the final amount of notice and administration costs. If fewer than 425,000 valid claims are submitted for vouchers, an additional \$12.00 voucher will be distributed to each Settlement Class Member who submitted a valid claim for a voucher in the order those claims were received on a first come first served basis. If more than 425,000 claims are submitted for vouchers, the value of the vouchers distributed will be decreased on a pro rata basis such that the aggregate value of the voucher amounts will not exceed \$5,100,000. Vouchers are fully transferrable and up to two may be used in a single transaction. Vouchers will expire 12 months after they are issued.

Your options. If you want to receive a cash payment or voucher, you must submit a valid [claim form](#) online or by mail. Claim forms must be submitted online or postmarked by May 19, 2018. If you do not want to receive a cash payment or voucher and do not want to be legally bound by this settlement, you must exclude yourself by March 6, 2018. Unless you exclude yourself, you will not be able to sue ANN for any claim that was or could have been asserted in this lawsuit or is released by the settlement agreement. If you stay in the settlement (*i.e.*, do not exclude yourself), you may object and notify the Court that you or your lawyer intend to appear at the Court’s final approval hearing. Objections are due March 6, 2018. For more information, including the claim form, full notice, and settlement agreement, go to www.annpricingsettlement.com.

The final approval hearing. The Court will hold a hearing in this case (*Morrow v. ANN Inc.*, No. 1:16-cv-3340-JPO) on April 19, 2018 at 3:00 p.m. in the Thurgood Marshall U.S. Courthouse, Courtroom 706, 40 Foley Square, New York, New York 10007. At the hearing, the Court will consider whether to approve: the settlement; attorneys’ fees, costs, and expenses of up to \$1,525,000; and a \$1,500 incentive award for each of the two Plaintiffs. You or your own lawyer may appear at the hearing at your own expense.

For more information go to www.annpricingsettlement.com or call 1-855-636-6135.

Exhibit B

Legal Notice

Morrow v. ANN Inc.

Settlement Administrator

P.O. Box 404045

Louisville, KY 40233-4045

**If you purchased
items at an Ann
Taylor Factory or
LOFT Outlet store,
you could get a
payment from a class
action settlement.**

*A federal court authorized this notice.
This is not junk mail, an advertisement,
or a solicitation from a lawyer.*

1-855-636-6135

www.annpricingsettlement.com

«Barcode»

Postal Service: Please do not mark barcode

Claim#: AXW-«ClaimID»-«MailRec»

«First1» «Last1»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

AXW

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Exhibit C

KCC Class Action Services
Morrow v. ANN Inc.
Exclusion Report

Count
1

ClaimID	First Name	Last Name
15939984101	ADELE	SKOGMAN